Annual Report
1999/2000

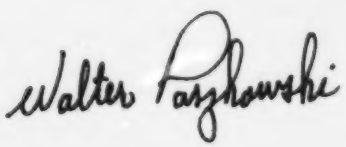
November 2000

Honourable Ken Kowalski
Speaker
Legislative Assembly of Alberta
325 Legislature Building
10800 – 97 Avenue
Edmonton, Alberta
T5K 2B6

Dear Sir:

In accordance with Section 81 of the *Freedom of Information and Protection of Privacy Act*, I have the honour to submit the fifth annual report on the operation of this Act for the fiscal year ended March 31, 2000.

Respectfully submitted,



Walter Paszkowski
Minister

Minister's Message

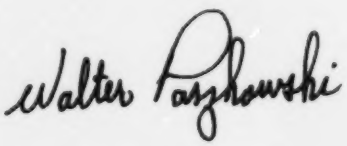
Alberta's *Freedom of Information and Protection of Privacy* (FOIP) *Act* was enacted on October 1, 1995 for provincial government ministries and was extended to school jurisdictions and health care bodies in 1998. In 1999/2000 the Act was extended to public post-secondary educational institutions and to local governments. The FOIP Act continues to demonstrate the government's commitment to open and accountable government and the protection of personal privacy.

I am pleased to report the following significant accomplishments achieved this year:

- The performance measure for the FOIP program for government ministries was met Ninety-five per cent of FOIP requests were processed in 60 days or less.
- The FOIP Act was successfully extended to post-secondary educational institutions and local government bodies in the fall of 1999.
- The FOIP Training Program was awarded a 2000 Premier's Award of Excellence for the success of its interdepartmental cooperation and the extensive deployment of training to local public bodies.
- The FOIP Regulation was amended in the fall of 1999 to update the schedule of public bodies subject to the Act. As well, many recommendations of the Select Special FOIP Act Review Committee, which completed its review of the FOIP Act in the spring of 1999, were implemented.
- A major revision to the FOIP Guidelines and Practices Manual, reflecting the significant legislative amendments enacted in 1999, was initiated and completed in draft form.
- The province participated in Federal/Provincial/Territorial discussions related to the federal *Personal Information Protection and Electronic Documents Act* and made representations to the Senate Standing Committee.

I would like to thank the Information and Privacy Commissioner, elected officials and staff in government and local public bodies for their support in the administration of Alberta's FOIP legislation.

We look forward to continuing to work with all affected organizations to implement common-sense procedures and best practices that ensure freedom of information and protection of privacy.



Walter Paszkowski, MLA
Minister of Municipal Affairs

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The *Freedom of Information and Protection of Privacy Act* has applied to provincial government departments, agencies, boards and commissions, as well as the Legislative Assembly Office and the offices of Legislative Officers since October 1, 1995. On September 1, 1998 the Act was extended to school jurisdictions, on October 1, 1998 to health care bodies, on September 1, 1999 to post-secondary educational institutions, and on October 1, 1999 to local governments. The Act now applies to approximately 1500 public bodies.

Information Management and Privacy Branch coordinates the province-wide administration of the Act, prepares amendments to the legislation and provides ongoing support for provincial government organizations and local public bodies.

The *Freedom of Information and Protection of Privacy Amendment Act* was introduced in the 1999 spring session of the Legislature to implement the recommendations of the Select Special FOIP Act Review Committee, which completed its review in March 1999. The FOIP Amendment Act received Royal Assent and became law on May 19, 1999. An amendment to the FOIP Regulation was also completed in the fall of 1999 to reflect other committee recommendations.

Support to public bodies is provided through a variety of forums including regular meetings with FOIP coordinators, training programs, presentations, advisory services and publications. This year, Information Management and Privacy Branch prepared a fully revised Guidelines and Practices Manual reflecting the legislative amendments.

Six new FOIP Bulletins were issued on topics related to the key amendments to the FOIP Act. In addition, a FOIP Act Amendment Seminar was offered free of charge around the province for all FOIP coordinators who wanted training on the changes to the Act.

Sixty training courses were also provided for nearly 1500 participants, including over 300 government employees. Sector-specific courses were provided to local government bodies, public libraries, Metis settlements, post-secondary educational institutions, health care bodies, irrigation districts and police services. New multi-sector courses, open to all local public bodies, were introduced in the fall. This training program was the recipient of a 2000 Premier's Award of Excellence.

Alberta's fifth annual information and privacy conference, FOIP '99, was held in Edmonton on June 7 and 8, 1999. Information Management and Privacy Branch participated in an advisory role in the planning of the conference, which attracted over 400 registrants. Participants were offered presentations and workshops by nearly 50 speakers over the two days, including Alberta's Information and Privacy Commissioner, Mr. Robert Clark and the Federal Privacy Commissioner, Mr. Bruce Phillips.

Information Management and Privacy Branch completed a major redevelopment of the computer system used by many public bodies to track requests. The system was made Year 2000 compliant and was successfully deployed to 48 public bodies.

The FOIP home page on the Internet continues to provide users with easy access to information on the Act and its implementation. A number of new publications were made available on the web site this year, including the new FOIP Bulletins and summaries of Commissioner's Orders. A project to redesign and modernize the site was completed.

The FOIP home page can be found at: www.gov.ab.ca/foip.

2(a) Requests to Provincial Government Ministries

Requests Received

Government ministries routinely release a great quantity and variety of information. The FOIP Act is used only when information is not available through regular channels.

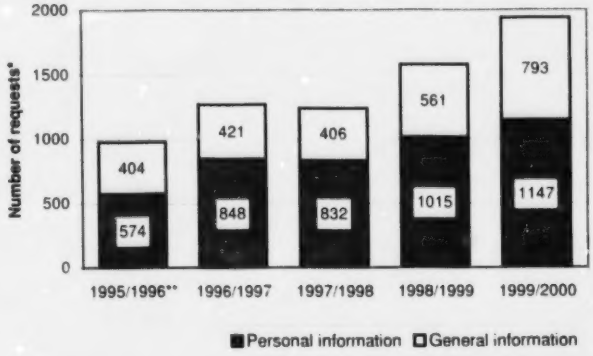
In the fiscal year from April 1, 1999 to March 31, 2000, a total of 1,940 FOIP requests were received by government departments, agencies and affiliated public bodies. This number is up 23 per cent from the 1,576 requests received in 1998/1999.

In 1999/2000 there were seven requests for correction of personal information. This is down from 10 such requests received in 1998/1999.

In 1999/2000, about 60 per cent of the requests received were from individuals seeking records containing information about themselves.

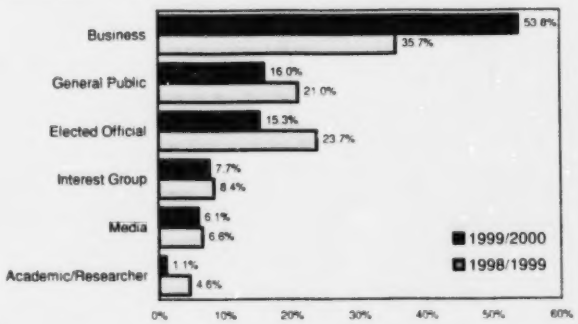
The remaining 40 per cent of requests were made for general information. In this category, the top users of the Act were businesses, with 54 per cent of requests, the general public with 16 per cent of requests, elected officials with 15 per cent of requests, and interest groups and the media with about six to seven per cent of requests each.

Number of FOIP requests received by provincial government ministries since October 1, 1995



* Excludes requests for correction
** The FOIP Act was proclaimed on October 1, 1995

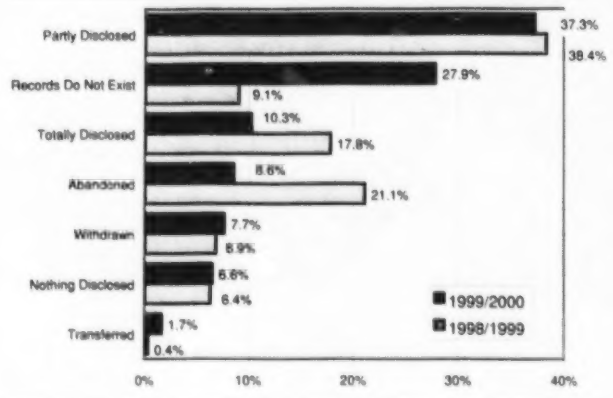
General information requests received by provincial government ministries in 1999/2000 by type of applicant



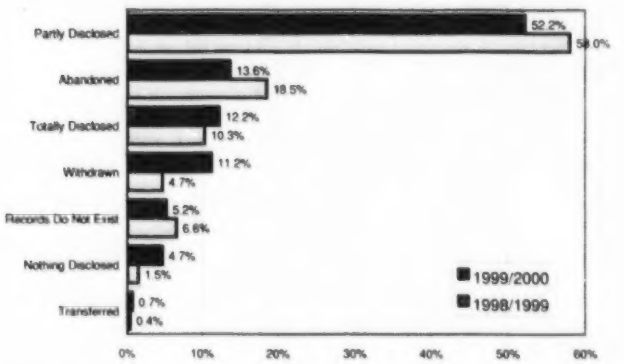
For general requests, provincial government ministries disclosed all or part of the records nearly 48 per cent of the time. Records did not exist nearly 28 per cent of the time. Requests for records were abandoned, withdrawn, or transferred to another public body 18 per cent of the time. No records were disclosed for 7 per cent of requests, similar to last year.

For personal requests, provincial government ministries disclosed all or part of the records 64 per cent of the time. Requests were abandoned, withdrawn or transferred to another public body 25 per cent of the time. Records did not exist for 5 per cent of requests. No records were disclosed for 5 per cent of requests.

Outcome of general information requests received by provincial government ministries in 1999/2000



Outcome of personal information requests received by provincial government ministries in 1999/2000



Exceptions and Exclusions

When public bodies sever information from a record, or withhold a record, they must indicate the section of the Act that authorizes the decision not to disclose information. The following table summarizes the sections of the Act that were cited when records were not completely disclosed. The number of occurrences indicates the number of requests where that section of the Act was used to sever information. Because several sections may be used on a single request, the number of occurrences is not related to the number of requests completed.

Section of the Act Used	Exceptions	Number of Occurrences
16	Third party - personal information	791
23	Advice from officials	188
26	Legal privilege	83
19	Law enforcement	58
15	Third party - business/tax interests	57
21	Cabinet and Treasury Board confidences	39
11	Refuse to confirm or deny existence of a record	30
24	Harmful to economic or other interests of a public body	27
20	Intergovernmental relations	25
18	Confidential evaluations/Identity of participants	10
28	Information otherwise available to the public	3
17	Individual or public health or safety	1
25	Testing procedures, tests and audits	1

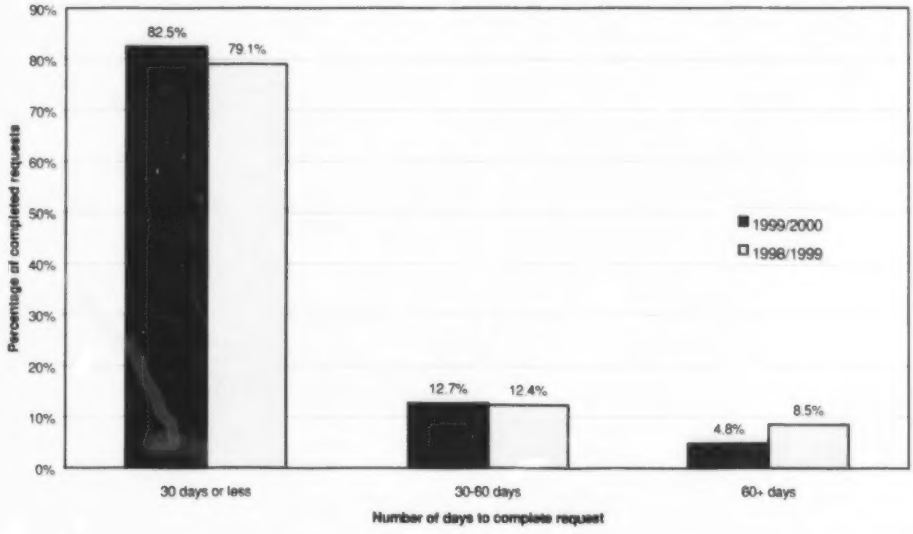
Section of the Act Used	Exclusions	Number of Occurrences
5	Paramountcy of other acts/regulations	283
4(1)l	Records sent between MLAs and/or Executive Council	55
4(1)c	Officers of the Legislature	22
4(1)h	Registries records	12
4(1)g	Incomplete prosecutions	8
4(1)a	Court or judicial records	4
4(1)b	Quasi-judicial notes, communications or draft decisions	3
3(a)	Previously available	2
4(1)j	Personal/constituency record of a member of Executive Council	2
4(1)(n)	Credit union records	2
4(1)e	Teaching materials or research information	1
4(1)k	Speaker or MLA records in the Legislative Assembly Office	1
4(1)m	Treasury Branch records	1

Response Times

The Act states that normally a request must be completed within 30 days of the date it was received. The Act allows the head of a public body to extend this time to 60 days under three circumstances. An extension may be allowed if more time is needed to consult with another public body or with a third party, the request does not provide sufficient detail to allow identification of the requested record, or if a large number of records is involved.

Overall, 95.2 per cent of requests were completed within 60 days of receiving the requests. This total represents 82.5 per cent completed within 30 days, and 12.7 per cent within 30 to 60 days. Only 4.8 per cent were completed in more than 60 days.

Percentage of requests completed in 60 days or less



2(b) Distribution of Requests Received Under the Act by Provincial Government Ministries, April 1, 1999 to March 31, 2000

Public Body	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Child and Family Service Authorities*	9	444	2	455
Environment	377	1	0	378
Human Resources and Employment	59	304	0	363
Children's Services	10	127	0	137
Health and Wellness	25	95	0	120
Workers' Compensation Board	16	64	3	83
Justice	20	49	1	70
Municipal Affairs	64	1	1	66
Treasury	47	8	0	55
Infrastructure	29	4	0	33
Learning	16	8	0	24
Community Development	14	9	0	23
Executive Council	15	5	0	20
Government Services	10	8	0	18
Resource Development	15	1	0	16
Gaming	13	1	0	14
Agriculture, Food & Rural Development	11	0	0	11
Economic Development	11	0	0	11
Persons with Developmental Disabilities Boards*	4	6	0	10
Agriculture Financial Services Corporation	5	1	0	6
International & Intergovernmental Relations	1	5	0	6
Alberta Energy and Utilities Board	5	0	0	5
Alberta Pensions Administration Corporation	2	1	0	3
Law Enforcement Review Board	3	0	0	3
Office of the Ombudsman	0	3	0	3
Innovation and Science	2	0	0	2
Legislative Assembly Office	2	0	0	2
Office of the Chief Electoral Officer	2	0	0	2
Personnel Administration Office	1	1	0	2
Alberta Research Council	1	0	0	1
Alberta Treasury Branches	1	0	0	1
Labour Relations Board	0	1	0	1
Office of the Auditor General	1	0	0	1
Office of the Information and Privacy Commissioner	1	0	0	1
Public Affairs Bureau	1	0	0	1
Total Requests	793	1147	7	1947

* Details on next page.

Details of Requests Received Under the Act by Child and Family Service Authorities, April 1, 1999 to March 31, 2000

Child and Family Service Authorities	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Ma'mowe	7	178	1	186
Calgary Rockyview	0	92	0	92
Diamond Willow	0	22	0	22
Sakaigun Asky	0	20	0	20
Keystone	0	17	0	17
Neegan Awas'sak	1	15	0	16
Ribstone	0	15	1	16
Sun Country	1	15	0	16
Region 13	0	11	0	11
Sakaw-Askiy	0	10	0	10
Southeast	0	10	0	10
Hearthstone	0	9	0	9
West Yellowhead	0	9	0	9
Region 14	0	8	0	8
Windsong	0	8	0	8
Awasak	0	5	0	5
Total all authorities	9	444	2	455

Details of Requests Received Under the Act by Persons with Developmental Disabilities Boards, April 1, 1999 to March 31, 2000

Persons with Developmental Disabilities Boards (PDD)	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Edmonton Region	2	2	0	4
All PDD Boards*	2	1	0	3
Michener Centre Board	0	2	0	2
PDD - Provincial Board	0	1	0	1
Total all boards	4	6	0	10

* During the first two quarters of 1999/2000, requests to all boards were reported together. For the remainder of the year, each board reported separately.

2(c) Requests to Local Public Bodies

Requests Received

All local public bodies were subject to the FOIP Act by October 1, 1999. Statistics on the number of FOIP requests received were collected for a 12-month period for school jurisdictions and health care bodies. Post-secondary educational institutions and local government public bodies reported for the seven and six months respectively that they were subject to the Act.

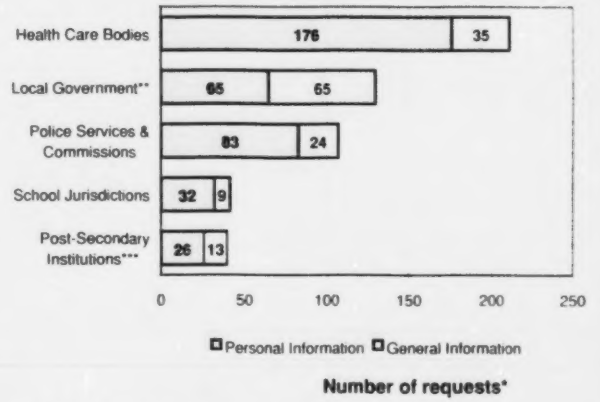
Statistics were received from 98 per cent of local public bodies. Fifteen local public bodies did not submit a statistical report. Each of these public bodies was contacted at least three times about providing information on FOIP requests.

In total, local public bodies received 528 requests (and 7 requests for correction of personal information) in 1999/2000. The majority, 71 per cent, were requests received from individuals seeking records containing information about themselves.

Health care bodies received the most FOIP requests, 211 in the fiscal year. The majority of the requests, 83 per cent, were requests for personal information and 17 per cent were for general information.

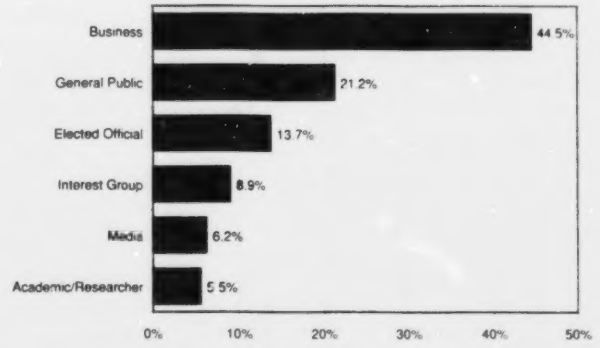
Local government bodies received 130 requests, which were nearly evenly divided between general and personal requests. The majority of the requests, 123, were received by municipalities. Housing management bodies received 6 requests and 1 request was received by a public library. No requests were reported by Metis settlements, drainage districts, or irrigation districts.

Number of FOIP requests received by local public bodies in 1999/2000



* Excludes requests for correction
** Includes municipalities, improvement districts, special areas, regional service commissions, drainage and irrigation districts, housing management bodies, Metis settlements and General Council, and public libraries as of October 1, 1999
***FOIP Act proclaimed as of September 1, 1999

General information requests received by local public bodies in 1999/2000 by type of applicant



Police services and commissions received 107 requests. Again the majority of the requests were for personal information at 77 per cent.

School jurisdictions received 41 requests. Seventy-eight per cent were requests for personal information.

Post-secondary educational institutions received 39 requests. Sixty-six per cent were requests for personal information.

Nearly half of the requests for general information were made by businesses, followed by the general public, elected officials, interest groups, the media, and academics and researchers.

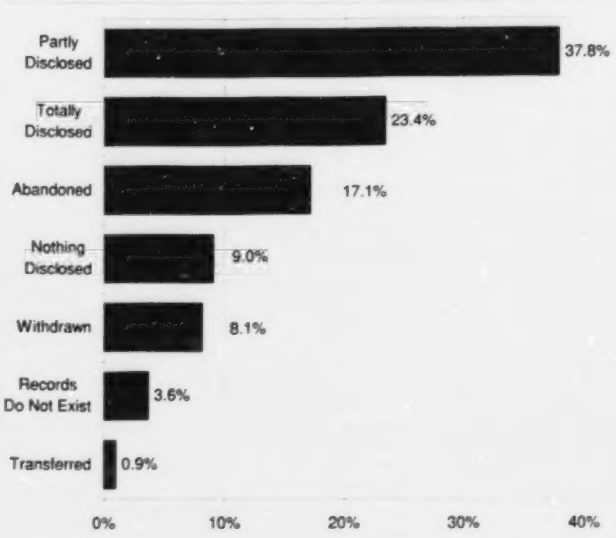
For general requests, local public bodies disclosed all or part of the records over 61 per cent of the time. Records did not exist over 3 per cent of the time. Requests for records were abandoned, withdrawn or transferred to another public body 26 per cent of the time. No records were disclosed for 9 per cent of requests.

For personal requests, local public bodies disclosed all or part of the records over 85 per cent of the time. Requests for records were abandoned, withdrawn or transferred to another public body 8 per cent of the time. No records were disclosed for 2 per cent of requests.

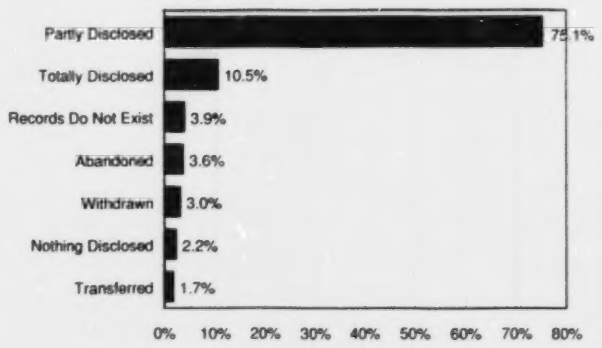
Response Times

Overall, 92.6 per cent of requests were completed within 60 days of receiving the requests. This total represents 72.7 per cent completed within 30 days, and 19.9 per cent within 30 to 60 days. Only 7.4 per cent were completed in more than 60 days.

Outcome for general information requests received by local public bodies in 1999/2000



Outcome of personal information requests received by local public bodies in 1999/2000



2(d) Distribution of Requests Received Under the Act by Local Public Bodies, April 1, 1999 to March 31, 2000

Local Public Body	General Information Requests	Personal Information Requests	Correction of Personal Information	Total Requests
Calgary Regional Health Authority	14	150	3	167
Calgary Police Service	6	54	1	61
City of Calgary	22	32	1	55
Edmonton Police Service	11	21	0	32
Calgary Board of Education	4	19	0	23
Alberta Mental Health Board	4	14	0	18
University of Alberta	4	9	0	13
Capital Health Authority	4	6	2	12
City of Edmonton	7	3	0	10
Town of Canmore	2	7	0	9
University of Calgary	3	5	0	8
Lethbridge Police Service	4	2	0	6
Lakeland Regional Health Authority	5	0	0	5
Southern Alberta Institute of Technology	3	2	0	5
Northern Lights School Division	0	5	0	5
All other local public bodies*	53	53	0	106
Total Requests	146	382	7	535

* Each of these local public bodies received four or fewer requests.

3(a) Expenditures

Information Management and Privacy Branch spent $983,478 in 1999/2000. Additional costs were incurred by each of the public bodies subject to the Act. Expenditures by the Office of the Information and Privacy Commissioner are also related to the administration of the Act and are reported annually by that office.

3(b) Fees

The fee schedule for processing FOIP Requests is set out in Schedule 2 of the FOIP Regulation. In 1999/2000, just over $47,300 in fees were collected by provincial government ministries. Fee information is not available for local public bodies.

General information requests
For general information requests, a $25 initial fee is required at the time the request is made. Additional charges may be applied for time spent locating, retrieving and preparing records for disclosure, computer programming and processing, and copying of records.

Public bodies may not charge for the time spent reviewing records to determine the need for severing. Once a request is received, a fee estimate is prepared. If the estimate is less than $150, no additional fees are collected from the applicant.

The Act allows for continuing requests, where the request remains active for a specified period of time up to two years. The initial fee for a continuing request is $50. Thirty-one such requests were received or renewed by provincial government ministries in 1999/2000.

Personal information requests
Applicants requesting their own information pay only copying charges, and only if the charges exceed $10.

Total fees collected by provincial government ministries

Type of fee	Amount collected	
	1999/2000	1998/1999
General information requests		
Initial fees	$16,950	$11,525
Other general fees	17,595	20,675
Personal information requests		
Copying	12,799	12,935
Total	**$47,344**	**$45,135**

Fee waivers by provincial government ministries
Public bodies and the Information and Privacy Commissioner may waive fees if the applicant cannot afford payment, the record relates to a matter of public interest, or for any other reason that is fair to excuse payment. The amount of these fee waivers is shown in the following table.

Type of request	Amount waived	
	1999/2000	1998/1999
General information requests	$ 9,446	$ 7,312
Personal information requests	1,203	2,935
Total	**$10,649**	**$10,247**

Fees are often reduced or eliminated by clarifying requests and providing only the records actually needed by the applicant. The value of fees eliminated in this way cannot be calculated.

For more information:

Alberta Municipal Affairs
Information Management and Privacy Branch
2nd Floor, 10808 – 99 Avenue
Edmonton, Alberta
T5K 0G5

Telephone: 780/422-2657
Facsimile: 780/427-1120
E-mail: foiphelpdesk@gov.ab.ca
Web site: www.gov.ab.ca/foip